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American Samoa

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 8 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: American Samoa is a Non-Self-Governing Territory under the Charter of the United Nations. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

Representative of administering Power: The United States Department of the Interior has a field representative resident in the Territory.[a]

Geography: Located in the South Pacific, approximately 3,700 km south-west of Hawaii and 4,350 km north-east of Australia. The Territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls known as Rose Island and Swains Island.

Land area: 200 km²

Exclusive economic zone: 404,391 km²

Population: 60,200 (2016 estimate)

Life expectancy at birth: 75.9 years (women); 69.3 years (men)

Ethnic composition: Native Pacific Islander (92.6 per cent); Asian (3.6 per cent); white (0.9 per cent); other ethnic origin (2.9 per cent)

Languages: English, Samoan

Seat of Government: Fagatogo

Head of territorial Government: Governor Lolo Letalu Matalasi Moliga

Main political parties: Democratic, Republican

Elections: The most recent elections were held in November 2016 to elect the Governor and Lieutenant Governor, the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives. The next elections are due to be held in November 2018 for the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives, and in November 2020 for the Governor and Lieutenant Governor.

Legislature: Fono (bicameral legislative assembly)

Gross domestic product per capita: $10,785 (2009 chained dollars; 2016 estimate)

Economy: Fishing and agriculture

Unemployment rate: 9.2 per cent (2012 estimate)

Monetary unit: United States dollar

Brief history: It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to reach the islands, in 1722. The 1899 Treaty of Berlin, also known as the Anglo-German Samoa Convention, apportioned the eastern islands of the Samoan archipelago to the United States.

[a] Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009 of 3 November 1977, as amended, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which that authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the relevant colonial Powers had led to a period of instability. Deeds ceding the islands to the United States from the early 1900s were accepted under the Ratification Act of 1929, which was passed by the United States Congress and enacted on 20 February 1929. Pursuant to that legislation, American Samoans were given the status of United States nationals. The legislation provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. Given that the interest of the United States in the area had been mainly for military purposes, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, through Executive Order 10264 of the President of the United States, administrative responsibility for the Territory was transferred to the Department of the Interior.

2. American Samoa is an unincorporated and unorganized Territory under United States law. Not all provisions of the Constitution of the United States or of United States law apply. Persons born in American Samoa are not United States citizens but United States nationals who can freely enter, work or reside anywhere they choose in the United States. Children born in the Territory to foreign parents are United States nationals. Although they are not permitted to vote in elections in the United States or the District of Columbia, all American Samoans over the age of 18 are eligible to vote in the Territory, including for the delegate to the United States House of Representatives from American Samoa. Both major national political parties in the United States include delegates from the Territory at their quadrennial national conventions.

3. The Constitution of the Territory provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a governor and a lieutenant governor elected for four-year terms by universal adult suffrage. The Governor is responsible for executing the laws of both American Samoa and the United States and has the power to veto legislation passed by the Fono.

4. The Fono is a bicameral legislature, comprising the Senate, the 18 members of which are chosen by 14 county village councils, and the House of Representatives, 20 members of which are elected by popular vote, with one additional member appointed as a non-voting delegate from Swains Island. Only a *matai* (chief), the traditional head of an *aiga* (extended family), can become a senator. Senators hold office for four years and representatives for two years. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

5. The judicial system consists of a high court, to which the Chief Justice and the associate justices are appointed by the United States Secretary of the Interior, and the local district and village courts, to which judges are appointed by the Governor and confirmed by the Fono. The High Court is subdivided into appellate, trial, land and titles and family, drug and alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues, such as occupational safety and health administration issues and ship mortgage actions. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C. Given that American Samoa is not part of a United States federal

judicial district or circuit, there are no statutory provisions for appealing against decisions of the High Court to a federal district court.

6. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Amendments or modifications, as approved by the United States Secretary of the Interior, may be made only by an act of the United States Congress. In 2008, a referendum was held on the revision of an aspect of the Constitution, but the proposal was rejected by a narrow margin. At the constitutional convention held in June and July 2010, delegates proposed amendments and revisions to the Constitution, including changes relating to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the Samoan language and culture in the education system, the management and preservation of the natural resources of the Territory in accordance with local laws and the provision for the impeachment of the leaders of the Territory. In the general election held in November 2010, however, the proposed changes were rejected by an overwhelming majority. During the general election in November 2014, a constitutional referendum was held on an amendment to the revised Constitution to allow the Fono to override vetoes by the Governor. Voters rejected the proposal.

7. In the general election held in November 2016, voters re-elected Lolo Letalu Matalasi Moliga as Governor and Lemanu Peleti Mauga as Lieutenant Governor. Voters also elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives (see para. 8).

8. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate is permitted to vote in committees. In the general election held in November 2014, Aumua Amata Coleman Radewagen became the first female delegate of American Samoa to the United States House of Representatives. She was re-elected for a second term in November 2016.

9. On 26 June 2013, the United States District Court for the District of Columbia dismissed a lawsuit filed by five non-citizen United States nationals born in American Samoa and by the Samoan Federation of America (*Tuaua v. United States*) seeking a declaratory judgment that would assert that the citizenship clause of the Fourteenth Amendment to the Constitution of the United States extended to American Samoa. As stated in paragraph 2 above, American Samoa is an unincorporated territory, meaning that people born there are not conferred birthright citizenship. In 2014, an appeal was filed with the United States Court of Appeals for the District of Columbia Circuit, and oral arguments were presented on 9 February 2015. In June 2015, a three-judge panel of the Court of Appeals held that constitutional citizenship by birth did not apply in the territories and that those born in American Samoa had no claim to birthright citizenship under the Fourteenth Amendment. On 20 July 2015, the plaintiffs petitioned for the full Court of Appeals to review the decision issued in June. On 2 October 2015, the Court of Appeals denied the petition, thereby upholding the decision. On 11 December 2015, the plaintiffs filed a motion to the Supreme Court of the United States requesting a 30-day extension to file a petition for a writ of certiorari seeking a review of the Court of Appeals decision. The Supreme Court granted the plaintiffs' motion, and their petition for a writ of certiorari was submitted on 1 February 2016. The Supreme Court denied the petition on 13 June 2016. The administering Power and the Government of American Samoa intervened in opposition to the lawsuit, arguing that the citizenship status of the people of American Samoa was a matter for the people to resolve through political processes.

10. Addressing the United States House of Representatives on 27 June 2013, the then delegate from American Samoa thanked the District Court for its well-reasoned opinion and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. In his view, the decision would allow the people of American Samoa to decide whether they wished to become citizens. In a letter addressed to the territorial Governor and the Fono in April 2013, he had stated that the lawsuit posed a threat to the traditional culture of American Samoa and that it was unknown whether the entire Constitution of the United States would apply to American Samoa if the Court applied the citizenship clause to the Territory. He also said that, if people who were born in American Samoa automatically became United States citizens, the United States would be likely to take control of the immigration system in American Samoa. He had affirmed that it was important that the people of American Samoa, and not the Court, should decide whether they wished to become United States citizens by birthright.

11. According to the administering Power, the Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013, entitled "Decolonization issue regarding American Samoa", which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. The Governor noted that American Samoa was not a colony of the United States but rather a Territory, a status that had been fashioned voluntarily for economic reasons. He expressed his appreciation for the continued diligence of the United Nations in working to ensure that administering Powers revisited existing relationships with their territories or insular possessions so that every opportunity was provided for the latter to opt out if they so desired. In his view, the United Nations was genuinely committed to ensuring that the general welfare of such territories was secured through the development of their financial systems, the strengthening of their Governments and the building of self-sustaining economies.

12. The Governor pointed out that the current status of American Samoa provided the Territory with more authority to make its own decisions. The prevailing perception that American Samoa was a colony by definition stemmed from the informal character of its relationship with the United States, given the absence of an organic act that formally defined the relationship. In a de facto sense, he said, American Samoa was part of the United States, substantially self-governing and not a colony in any real sense. He noted that American Samoa had freely, through its deeds of cession, bequeathed its sovereignty to the United States; it had not been acquired through any military conquest. Being part of the United States was really a matter of self-determination.

13. The Governor also noted that, while the federal Government of the United States had lived up to its commitment to American Samoa with regard to the provision of funds, there were current issues decided at the congressional level that had negatively affected the ability of American Samoa to advance its social and economic development prospects. He pointed out, however, that American Samoa had representation in the United States Congress to register its objections to measures that adversely affected its ability to improve the quality of life in the Territory.

14. The Governor recalled the recommendation made in 2006 by the Future Political Status Study Commission that American Samoa continue as an unorganized and unincorporated territory and that a process of negotiation with the United States Congress for a permanent political status be initiated, in addition to the points forming the basis for such negotiations (see A/AC.109/2008/3). He further expressed his personal preference for the United States Congress, which had the ultimate authority

to decide on the type of political relationship that the United States would have with American Samoa, to relinquish that authority to the people of American Samoa in order to empower them to make the decision that they deemed appropriate.

15. At the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Kingstown from 16 to 18 May 2017, the representative of the Governor of American Samoa stated, among other things, that constitutional rights in the United States that were not extended to American Samoa included citizenship of the United States, the right to vote for the President of the United States and the right of its delegate to vote in Congress. Elected leaders of the Territory had opposed the granting of birthright citizenship to the people of American Samoa on the grounds that a constitutional interpretation that would grant outsiders an equal right to own land might undermine and eventually destroy Samoan culture; the people of American Samoa preferred the compromise that limited the enforcement of the equal protection clause as long as it limited the risk to Samoan lands. He also stated that, without a flexible and innovative approach, the prospects for decolonization in American Samoa were limited. He provided information about the establishment in 2016 of the American Samoa Office of Political Status, Constitutional Review and Federal Relations, which had developed a set of principles relating to the right of the people of American Samoa to self-determination. The duties of the Office included raising awareness in a non-partisan matter and working with the Government and the public on constitutional amendments or other political status issues that might be presented as referendums to the voters of American Samoa. He added that no referendum or plebiscite was being planned.

16. On 8 January 2018, in his state of the Territory address to the thirty-fifth legislature of American Samoa, the Governor said the Territory's political status and its relationship with the United States were issues that must be addressed vigorously. He said that the federal Government was confused about how to handle issues pertaining to the Territory, which was in a very unique position, different from all the other territories of the United States. He also sought the support of the legislature, which, he said, would have to take the lead in determining the type of political status and relationship with the United States the people of American Samoa wanted to fashion.

II. Budget

17. According to the comprehensive report on the state of the Territory presented by the Governor of American Samoa on 8 January 2018, fiscal year 2017 was the most financially strenuous and difficult operating year for the territorial Administration. Actual revenues collected showed a shortfall of 15.3 per cent. A directive was issued to all departments and offices of the territorial Government to fix their 2017 fiscal year operating budgets at 10 per cent less than their approved budgets, and the standard working hours per pay period were reduced from 80 to 70. Through those efforts to contain spending, the Administration was able to close fiscal year 2017 in the black for the third consecutive year. The 2018 budget requested by the Office of Insular Affairs of the United States Department of the Interior for American Samoa operations amounts to $21.5 million, a programme decrease of $1.2 million compared with the 2017 budget. This decrease will limit assistance to territorial operations by reducing funding for the Department of Education of American Samoa. The Office has designated American Samoa as a high-risk grantee

in an effort to improve accountability for federal funds. That designation allows the Office to require grantees to comply with special conditions for future or existing grants. The special conditions may include payment of grant funds on a reimbursable basis; withholding approval to proceed from one project phase to another until the receipt of acceptable evidence of current performance; additional project monitoring; and requiring grantees to obtain technical or management assistance. The high-risk designation will be removed once the Government of American Samoa (a) has completed single audits by the statutory deadline for the two most recent consecutive years, resulting in opinions that are not disclaimed and do not contain qualifications that the Office determines in its reasonable discretion to be material; (b) has a balanced budget, as confirmed by independent auditors, for the two most recent consecutive years, without regard for non-recurring windfalls, such as insurance settlements; and (c) is in substantial compliance with the memorandum of agreement, signed in 2002 between the territorial Government and the Office, and the fiscal reform plan.

18. According to its report of October 2017 entitled "Public debt outlook", the United States Government Accountability Office found that the public debt of American Samoa had more than doubled in fiscal year 2015, rising to $69.5 million, but had remained small relative to its economy, with a debt to gross domestic product (GDP) ratio of 10.9 per cent. The Territory's debt was primarily used to fund infrastructure projects. Between fiscal years 2005 and 2015, revenues had grown, and the Government's net position was positive and generally improving. The Government Accountability Office had previously reported that American Samoa relied heavily on the tuna processing and canning industry and that disruptions in that industry could affect its ability to repay debt.

III. Economic conditions

A. General

19. As noted in previous working papers, the President of the United States signed the Insular Areas Act into law in 2012, postponing minimum wage increases for 2012, 2013 and 2014. Annual wage increases were to begin again on 30 September 2015 and would continue every three years until all rates reached the federal minimum level. The wage rates are set for particular industries, not for an employee's particular occupation. They are minimum rates; an employer may choose to pay an employee at a rate higher than the one applicable to the industry.

20. According to the administering Power, Public Law 114-61 was enacted in October 2015, providing for an immediate incremental increase of $0.40 per hour in the transitional minimum wage for each industry in American Samoa, with additional increases occurring every three years on 30 September until the minimum wage is equal to that in the United States. Public Law 114-61 also changed the deadline for the United States Government Accountability Office report assessing the impact of minimum wage increases in American Samoa to 1 April 2017, with a subsequent report due by 1 April 2020. In the law, the Government Accountability Office was also directed to report on alternative mechanisms to increase the minimum wage in American Samoa in order to keep pace with the cost of living and eventually reach the minimum wage level in the United States.

21. According to the United States Department of Labor, American Samoa has had separate minimum wages for 18 industries since 30 September 2015, ranging from

$4.58 per hour (garment manufacturing) to $5.99 per hour (stevedoring, lighterage and maritime shipping agency activities). The tuna canning industry, the largest source of private sector employment in the Territory, is subject to a minimum wage of $5.16 per hour and employs mostly foreign labour from neighbouring Samoa. The next increase in wage rates is scheduled for 2018.

22. In December 2016, the United States Government Accountability Office issued a report entitled "American Samoa: alternatives for raising minimum wages to keep pace with the cost of living and reach the federal level", in which it examined the history of the implementation of minimum wages in the Territory, the status of the economy and alternative approaches for increasing minimum wages.

23. In August 2017, the Bureau of Economic Analysis of the United States Department of Commerce released estimates of the Territory's GDP for 2016 and of GDP and compensation by industry for 2015. The estimates for American Samoa showed that real GDP, adjusted for price changes, had decreased by 2.5 per cent in 2016, after increasing by 1.1 per cent in 2015. The decline in the economy reflected decreases in spending on construction and equipment; several investment projects in both the government and private sectors had ended or entered their final stages in 2015. Government spending decreased, reflecting a decline in investment spending by the territorial Government. Territorial government spending had been elevated in 2015 owing to the telecommunications authority's work to improve broadband capacity and coverage and the power utility's work to rebuild the Satala power plant. Business spending on construction and equipment continued to fall, following major investments made by the tuna canning industry in previous years.

24. The 2013–2017 comprehensive economic development strategy for American Samoa came to an end on 30 December 2017. The strategy served as a guideline for the economic development of the Territory to ensure sustainable and healthy growth. The Territorial Planning Division of the Department of Commerce of American Samoa has submitted a grant application to the United States Economic Development Administration for the development of an updated strategy for the years 2018 to 2022.

25. According to the statistical yearbook for 2016 published by the Department of Commerce of American Samoa, the balance of trade in fiscal year 2016 showed a deficit of $269.6 million. Imports include government purchases, the value of fish brought in for processing at the canneries and the value of commercial merchandise brought in for resale. Trade data are still considered incomplete owing to the absence of post-exchange data from the import series. Exports consist primarily of canned tuna and its by-products. The United States continued to be the Territory's leading trade partner, followed by New Zealand, the Republic of Korea and Fiji.

B. Fisheries and agriculture

26. According to the report of the United States Government Accountability Office (see para. 22), cannery officials stated that wage increases were among the factors affecting the tuna canning industry in American Samoa and that labour costs, including the minimum wage increases, placed the Territory at a significant cost disadvantage compared with canned tuna-exporting countries.

27. In October 2016, the owner of Samoa Tuna Processors, one of the two tuna canneries in American Samoa, announced that it was closing its operations in December 2016. The company, which had invested $70 million in a facility that had opened in January 2015, issued a statement in which it claimed that the challenging

economics of canning tuna in American Samoa, combined with external factors faced by Samoa Tuna Processors, made the company's private label-focused business model for operating the plant economically unsustainable in the market at the time. The closure of the facility left more than 800 people unemployed.

28. Almost 90 per cent of all farms in the Territory operate on a subsistence basis. Prospects for agricultural development continue to be limited because much of the land is volcanic and mountainous and only a small amount of level land is suitable for cultivation. Farmers benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its environmental quality incentives programme.

C. Tourism

29. According to the administering Power, tourism has been identified as one of the new key economic pillars for American Samoa because of the uncertainty of the tuna fishing sector, the competition among cannery operators for catch and access to fishing areas for their fleets and the continuing decrease in profit margins for the canned product. Since the establishment of the American Samoa Visitors Bureau in 2008, the office has marketed the destination overseas and has invested in training members of the local tourism industry in aspects relating to the global tourism industry and its requirements.

30. According to the 2016 statistical yearbook, some 70,370 travellers arrived in American Samoa in 2016. The majority were returning residents (41,843). Visitor arrivals, which accounted for 28.5 per cent of all arrivals in 2016, dropped from 20,328 in 2015 to 20,050 in 2016. New Zealand remained the primary tourism market of American Samoa, accounting for 43.7 per cent of tourist arrivals. The United States followed with 38.4 per cent, Australia with 11.3 per cent and other countries with the remaining 6.7 per cent.

D. Transport and communications

31. There are some 180 km of public and primary paved roads and 235 km of secondary village roads in American Samoa. Pago Pago harbour, an all-weather deep-draught harbour, has a main dock that is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

32. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. It is served by one commercial passenger airline that provides service twice or, during peak seasons, three times a week. There is one weekly cargo flight that links American Samoa with Hawaii and the continental United States. Within the Territory, there is one foreign airline that provides service to Ofu and Ta'u twice a week. There is no airline service to Swains Island.

33. According to the comprehensive economic development strategy document, the Territory's air transport service to and from the United States is severely restricted by United States cabotage laws that prohibit foreign carriers from transporting passengers between American Samoa and other parts of the United States.

34. The Territory has three FM radio stations and three AM radio stations, serving some 57,000 radios. One government-owned television station broadcasts on three channels to some 14,000 television sets. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency. Cable television and Internet services are also available from a private company, which is partly owned by the Government of American Samoa.

E. Water, sanitation system and utilities

35. The American Samoa Power Authority provides water, wastewater treatment, solid-waste and electricity services to customers on five of the seven islands. It provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being served by outer-village systems.

36. According to the United States Energy Information Administration, American Samoa is nearly entirely dependent on imported fossil fuels, including diesel fuel, for electric power generation. Electricity prices in American Samoa varied between three and four times the United States average in 2014. A significant amount of electricity is used to pump and treat drinking water. The American Samoa Power Authority owns and operates two generating plants and the electric grid on Tutuila, as well as two other small generating plants and grids serving the Manu'a Islands. In September 2009, an earthquake and tsunami destroyed the Satala power plant, halving generating capacity on Tutuila. Generators burning ultra-low-sulphur diesel were used to temporarily replace those destroyed in 2009, and a 24.5 MW replacement plant, with high-efficiency diesel generating sets, was completed in 2017.

F. Renewable energy

37. Given the high cost of electricity in the Territory and its geographic isolation, the Government established a renewable energy committee to work with federal experts to bring sustainable renewable energy to the islands. The committee has developed energy strategies to explore the potential for wind, solar, photovoltaic and geothermal power on Tutuila and on the Manu'a Islands. The committee's energy action plan for 2016 contains four short-term strategies selected by the committee and the steps to be taken to implement those strategies. In August 2016, the committee adopted the goal of having 50 per cent of energy in American Samoa drawn from renewable sources by 2025 and 100 per cent by 2040. In November 2016, the American Samoa Power Authority dedicated a 1.4 MW solar grid for the island of Ta'u. On 4 May 2017, the first phase of the system for Ofu and Olosega was commissioned. This installation, funded largely by the Office of Insular Affairs of the United States Department of the Interior, consists of photovoltaic panels with a capacity of 347 kW and aqueous hybrid ion ("salt water") battery storage with a capacity of 1,000 kWh. The system was designed to meet 80 per cent of the electricity needs of Ofu and Olosega. The Power Authority hopes to complete the second phase of the project, which includes additional solar panels and battery storage, by the end of 2018.

IV. Social conditions

A. General

38. Known as *fa'asamoa*, the Samoan way of life is based on the notion of mutual respect and sharing among the *aiga* (extended family), each with a common allegiance to a *matai* (chief), and it influences every aspect of the socioeconomic fabric of the Territory. Since 2008, the legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

39. In 2011, the Pacific office of the United Nations Children's Fund and the secretariat of the Pacific Community published *The State of Pacific Youth 2011: Opportunities and Obstacles*, a report highlighting significant problems faced by young people in the Pacific region, including American Samoa, such as the high number of teenage pregnancies, the high proportion of female teenagers who are raped (26 per cent) and the high incidence of alcohol abuse.

40. According to the 2016 statistical yearbook, 57.8 per cent of the population, or 54.4 per cent of families, lived below the United States poverty level in 2010. Of the 3,875 grandparents reported to be living with their grandchildren at the time, 66 per cent were responsible for their grandchildren.

B. Labour and immigration

41. According to the 2016 report of the United States Government Accountability Office (see para. 22), local government and tuna canneries are the largest employers, accounting for 42 per cent and 14 per cent of the workforce, respectively, in 2014. From 2007 to 2014, overall employment fell by 4 per cent and workers' average inflation-adjusted earnings by about 11 per cent. During the same period, cannery employment decreased by 50 per cent, and the minimum wage for cannery workers rose. According to the same report, the Government of American Samoa has expressed concern that continued minimum wage increases are at odds with sustainable economic development.

42. American Samoa has its own immigration laws and conditions for entry into the Territory, which are not the same as those of the United States. As previously reported, a new immigration law for American Samoa has entered into force, giving the Attorney General, rather than a government-appointed board, full authority over the granting of permanent resident status. In the comprehensive economic development strategy document, it was reported that local control of immigration was an important advantage to American Samoa, especially in view of the limited range of skills in its labour force and the need to bring in skilled workers and management for many industries. In that document, it was recommended that immigration law, policy and procedures should be revised to better accommodate business labour requirements, and concern was expressed that local immigration and customs control in American Samoa could be federalized, a scenario that could have very severe adverse effects on the local labour market.

43. In the unified plan submitted by American Samoa under the Workforce Innovation and Opportunity Act of 2016, it was revealed that the emigration of workers from the Territory to the United States was balanced by the immigration of foreign tuna cannery and fishery workers. The plan identified a number of issues causing the labour force to leave the Territory, including low wages compared with

those in neighbouring States and Pacific jurisdictions, slower economic growth owing to costs associated with transportation, distribution and housing and the slow development of infrastructure in the Territory owing to its being subject to major environmental impacts and lacking funding to improve current infrastructure.

C. Education

44. Education in American Samoa is compulsory for children and young people between 6 and 18 years of age. The education system is broadly based on that of the United States. A total of 95.7 per cent of the student population is from American Samoa, while the remaining 4.3 per cent of students are from China, the Philippines, the Republic of Korea and other Pacific islands.

45. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred around a high school together with lower-level elementary schools. The Department of Education of American Samoa operates 22 early childhood education centres, 22 elementary schools and six high schools. It serves more than 15,531 pupils from kindergarten to grade 12 and in early childhood education and special education programmes. The Territory has 563 teachers in elementary education, 248 in secondary education, 18 in vocational education, 202 in special education and 118 in early childhood education.

D. Public health

46. According to the World Health Organization (WHO) country cooperation strategy for American Samoa for the period 2013–2017, the most serious health issues in the Territory are related to the increase in chronic and non-communicable diseases owing to improper nutrition and physical inactivity. There have been significant increases in the incidence of obesity, hypertension, cardiovascular diseases, cerebrovascular diseases, diabetes mellitus and its complications, arthritis and some forms of cancer. Some 16 per cent of the budget of the Lyndon Baines Johnson Tropical Medical Center comes from the federal Government, and most of the funds are used to purchase medical supplies. Vaccines and pharmaceuticals are purchased in the United States, given that the United States Food and Drug Administration prohibits the purchase of medicines elsewhere. Logistical and financial factors cause frequent scarcity problems.

47. According to WHO, the pattern of morbidity in American Samoa has fundamentally changed over the past three decades, with an increase in non-communicable diseases stemming from modernization and lifestyle changes. Inappropriate nutrition and physical inactivity are the leading causes of the significant increases in obesity rates for both sexes, especially among young people.

E. Crime and public safety

48. The Territory has continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its Office of Territorial and International Criminal Intelligence and Drug Enforcement.

49. In 2012, it was announced that all Federal Bureau of Investigation operations and investigative efforts in American Samoa would be handled by the Bureau's office

in Honolulu, Hawaii. The decision for the consolidation was made by the United States Congress for budgetary reasons.

V. Environmental protection and disaster preparedness

50. The American Samoa Environmental Protection Agency, which is funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment, in particular air, water and land.

51. American Samoa faces the problem, common to the South Pacific, of the safe disposal of solid and liquid waste, in particular as a result of urbanization. According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps and the disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. There is growing concern that toxic and hazardous waste may be brought to the region from developed countries for disposal.

52. In March 2016, the United States Department of the Interior awarded $812,000 to the Government of American Samoa to address climate change priorities. The initiatives included creating a climate change adaptation strategy to identify and prioritize the immediate actions that American Samoa needs to take to best adapt to climate change; developing a centralized geographical information service server for all government agencies in the Territory, which will serve as a tool to analyse and visualize data in order to more effectively understand and predict the effects of climate change and aid in adaptation planning; and conducting vulnerability assessments of urban systems and infrastructure in order to analyse vulnerabilities to climate-related stress and climate change-induced events.

VI. Relations with international organizations and partners

53. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to the Territory. It belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the auspices of the Regional Office for the Western Pacific and its Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

54. American Samoa is a member of several regional organizations, including the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-Governmental Organisations, the Asia South Pacific Association for Basic and Adult Education, the Pacific Asia Travel Association and the Pacific Regional Environment Programme. The Territory participates in the activities of the Applied Geoscience and Technology Division of the Pacific Community and the Pacific Community Coastal Fisheries Programme. The Territory also belongs to United States organizations, such as the National Governors Association and the Western Governors' Association. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to countries in the Pacific region. The Territory hosted the seventh Pacific water conference and exposition of the Pacific Water and Wastewater Association from 9 to 11 September 2014. The Territory also holds observer status in the Pacific Islands Forum and the Alliance of Small Island States.

VII. Future status of the Territory

A. Position of the territorial Government

55. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

B. Position of the administering Power

56. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the United States Assistant Secretary of State for Legislative Affairs set forth the position of the Government of the United States on the status of American Samoa and other United States insular areas. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came under the purview of the Special Committee. He also indicated that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He further indicated that, at the same time, in accordance with its obligations under the Charter to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and education-related conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of the cooperation of the United States as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

57. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in American Samoa, Guam and the United States Virgin Islands. The panel included territorial experts and officials from the United States Department of the Interior and the Department of State, and the discussion provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories and to understand their rights in that regard under federal and international law. The panel experts reaffirmed the position of the administering Power that, under the United States Constitution, only the United States Congress had the plenary power to dispose of and make needful rules and regulations respecting the territories. It was also reiterated that the administering Power supported the right of self-determination of the peoples of American Samoa, Guam and the United States Virgin Islands, and, according to the policy of the administering Power, the territories had at least three distinct options for exercising self-determination: continued territorial status, statehood or independence. In addition, in conjunction with the meeting of the National Governors Association held in Washington, D.C., each February, the Deputy Assistant to the President for Intergovernmental Affairs and the Assistant Secretary of the Interior for Insular Areas host the plenary session of the Interagency Group on Insular Areas, which brings together the Governor of American Samoa and his counterparts from Guam and the United States Virgin Islands with leading officials of the federal executive branch to discuss matters of mutual importance to the Territories.

VIII. Action taken by the General Assembly

58. On 7 December 2017, the General Assembly adopted resolution 72/96 without a vote, on the basis of the report of the Special Committee (A/72/23) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of American Samoa to self-determination, in conformity with the Charter and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of American Samoa, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of American Samoa to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Took note of the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress, and recalled the establishment in April 2016 of the Office of Political Status, Constitutional Review and Federal Relations;

(e) Recalled the indication by the territorial Government that American Samoa should remain on the list of Non-Self-Governing Territories, under the purview of the Special Committee, until such time as its people had exercised their right to self-determination;

(f) Also recalled the invitation extended in 2015 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called upon the administering Power to facilitate such a mission if the territorial Government so desired, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of American Samoa and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between American Samoa and the administering Power;

(i) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee

on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in American Samoa, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(j) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

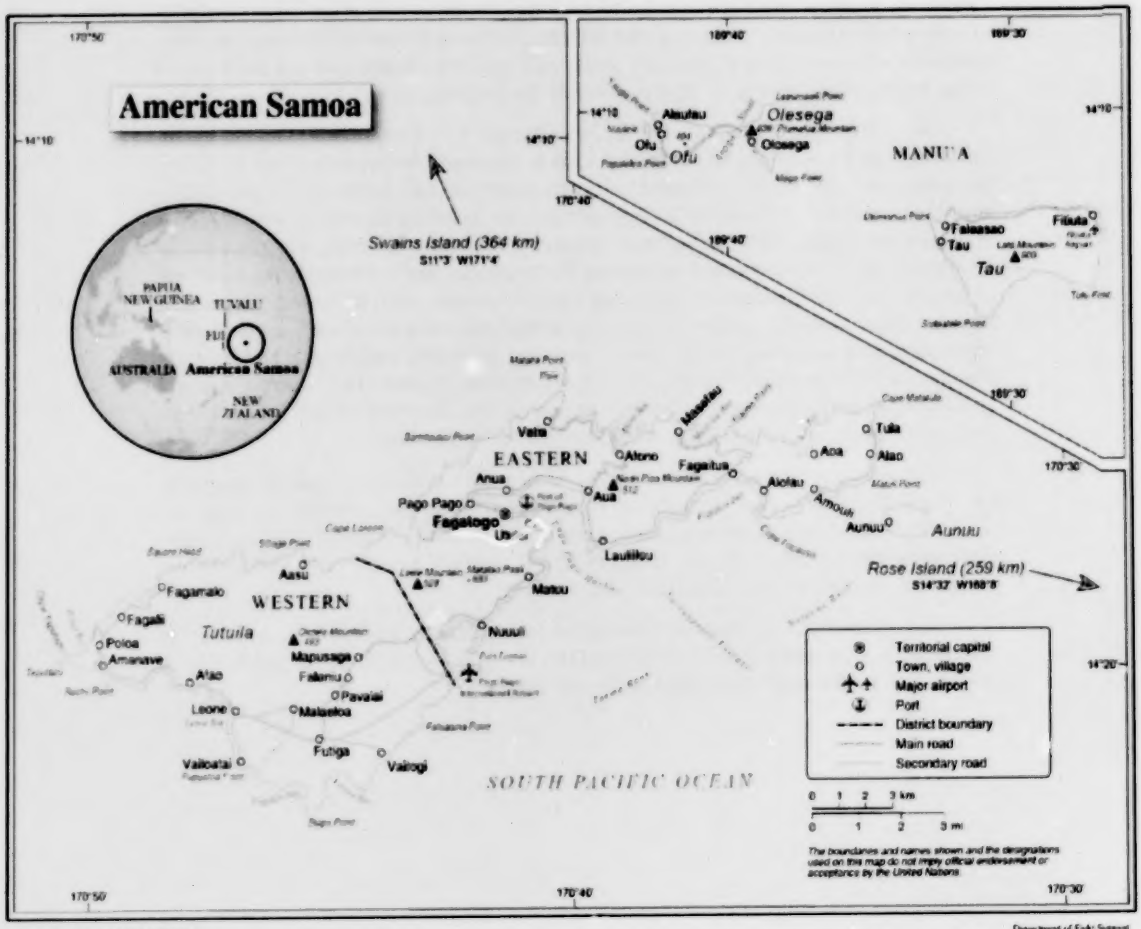
(k) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supported, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that were not aligned with the interest of the people of the Territory;

(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of American Samoa and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.

Annex

Map of American Samoa



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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 15 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Tim Foy (2017)

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km^2. The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km^2

Population: 15,700 (2013 estimate)

Life expectancy at birth: 81.50 years (male: 78.89 years, female: 84.19 years (2017 estimate))

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley

Head of territorial Government: Chief Minister Victor Banks (April 2015)

Elections: Most recent: 22 April 2015; next: by 22 April 2020

Main political parties: Anguilla United Front; Anguilla United Movement

Legislature: House of Assembly

Gross domestic product per capita: US$ 18,589 (2014 estimate)

Economy: Tourism, financial services and remittances

Main trading partners: United States of America and States members of the Caribbean Community

Unemployment rate: 8 per cent (2012 estimate)

Monetary unit: East Caribbean dollar, pegged to the United States dollar at EC$ 2.6882

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members, namely, the Attorney General and the Deputy Governor. The Governor acts as Chair of the Council, without voting rights. The House of Assembly is elected for a five-year term and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate. In accordance with the Constitution, the Governor appoints as Chief Minister one of the elected members of the Assembly who, in the judgment of the Governor, is likely to command the support of a majority of the elected members of the Assembly. Other ministers are also appointed by the Governor, in accordance with the advice of the Chief Minister, from among the elected members of the Assembly.

3. The general elections held in Anguilla on 22 April 2015 resulted in a change of government from the Anguilla United Movement to the Anguilla United Front. The current Chief Minister, Victor Banks, took office on 23 April 2015.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and any legislation that has been enacted either locally or by the United Kingdom on its behalf since. The law is administered by the Eastern Caribbean Supreme Court, a regional court based in Saint Lucia for the members of the Organization of Eastern Caribbean States, which consists of two divisions, an itinerant court of appeal and a high court of justice. There is ultimate recourse to the Judicial Committee of the Privy Council.

5. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

6. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. In September 2015, the territorial Government established a new Constitutional and Electoral Reform Committee to advance constitutional and electoral reform with a mandate to, inter alia, review previous proposals for the reform of the 1982 Constitution of Anguilla. In November 2016, the territorial Government published the proposals for electoral and constitutional reform by the Committee as the draft new Constitution, the draft new election bill and the draft new electoral boundaries commission, after which the Committee carried out a public consultation. A revised draft, dated 31 March 2017, was issued and presented to the

Executive Council on 4 May. New proposals contained in the draft new Constitution included renaming the Executive Council as the Cabinet and the Chief Minister as Premier, increasing the number of ministers from four to six, introducing a two-term limit for the Premier and changing the responsibilities of the Governor.

7. According to the administering Power, in line with its white paper entitled *The Overseas Territories: Security, Success and Sustainability*, published in 2012, the Governor has made clear that any decision to sever the constitutional link between the United Kingdom and Anguilla should be on the basis of the clear and constitutionally expressed wish of the people of Anguilla. If the desire for independence was clearly expressed, the Government of the United Kingdom would meet its obligations to help the Territory to achieve it.

8. Following the elections in April 2015, then Chief Minister-elect Banks reportedly stated that stimulating the Anguillan economy was a key priority and that the political independence of Anguilla was not an immediate priority for his administration, in contrast to the position of the previous administration under the Anguilla United Movement.

II. Budget

9. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years.

10. On 5 December 2016, the Chief Minister and the Minister of Finance presented in the House of Assembly a budget for the 2017 fiscal year of EC$ 256.29 million. In the 2017 budget for the territorial Government, recurrent expenditure accounted for EC$ 211.96 million, while the capital budget had an allocation of EC$ 44.33 million. On the other hand, the 2017 recurrent revenue estimate was EC$ 214.89 million, which represented an increase of 13.87 per cent compared with the previous year. In addition, capital grants and revenue were projected to amount to EC$ 55.37 million. As a result, a surplus of EC$ 2.93 million in the recurrent balance was projected for 2017 and a total of EC$ 11.04 million was projected for the capital account balance.

11. With regard to fiscal year 2016, the recurrent revenue outturns amounted to EC$ 188.71 million and recurrent expenditure totalled EC$ 187.65 million. According to the administering Power, its Government continued to provide capital grants to the Territory through Foreign and Commonwealth Office programme funding totalling EC$ 4.28 million in financial year 2016/17 in order to support education, telecommunications, the reconstruction of port infrastructure, fire services and air traffic control projects.

12. According to a review by the Ministry of Finance and Economic Development of the territorial Government of the Anguilla debt portfolio in 2016, total public debt, comprising central government debt and government-guaranteed debt from domestic and external sources, stood at EC$ 474.96 million, which was equivalent to 51.39 per cent of gross domestic product (GDP). Despite a decline in debt stock at an average annual rate of 3.1 per cent from 2012 to 2015, the debt stock increased in 2016 by 123.3 per cent compared with 2015 (EC$ 212.71 million) because the new debt contracted in support of the banking resolution exceeded scheduled amortization payments (see also para. 21).

13. There is no income, estate, capital gains, corporation, value added or goods and services tax in Anguilla. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves.

III. Economic conditions

A. General

14. According to the administering Power, the economy of Anguilla grew by 1.14 per cent in real terms in 2016, compared to 3.17 per cent the previous year. Nominal GDP in 2016 was EC$ 911.31 million.

15. The main industries in Anguilla are tourism, real estate and financial intermediation. Tourism remained the main source of economic growth in 2016.

16. The passage of two category 5 hurricanes (Hurricane Irma and Hurricane Maria) in September 2017 caused widespread devastation and considerable economic losses. The International Organization for Migration reported in September 2017 that 90 per cent of electricity infrastructure had been damaged and that around 90 per cent of government buildings had been substantially damaged. According to the administering Power, the estimated cost of the damage caused by Hurricane Irma was EC$ 880.4 million, or over 95 per cent of GDP in 2016. The most affected sector was tourism, which sustained 54.7 per cent of total damage and 81.5 per cent of total losses.

B. Tourism

17. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan (2010–2020), while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

18. According to the annual economic and financial review by the Eastern Caribbean Central Bank, Anguilla had 175,970 visitor arrivals in 2016, of which approximately 45 per cent, 79,239, were stay-over visitors. In addition, according to the administering Power, during the first six months of 2017, visitor arrivals numbered 10,5928, an increase of 8.6 per cent from 96,847 during the same period in 2016.

C. Financial services

19. According to the Government of Anguilla, the financial intermediation sector, including banking, insurance and related services, accounted for 11.3 per cent of GDP in 2016. The sector declined by 2.2 per cent in 2016 and over the past seven-year period by an average of 4.3 per cent. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body reporting to the Governor. At the same time, the administration of the Territory's responsibilities with respect to the United States Foreign Account Tax Compliance Act rests with the Ministry of Finance. In October 2014, Anguilla joined the early adopters initiative to commit itself to the early adoption of the Common Reporting Standard, which was the new

standard in the automatic exchange of information between tax authorities developed by the Organization for Economic Cooperation and Development.

20. In April 2016, Anguilla concluded a bilateral arrangement with the United Kingdom on the reciprocal exchange of beneficial ownership information, which came into effect on 30 June 2017. Under the arrangement, law enforcement authorities would have timely access to beneficial ownership information on corporate and legal entities incorporated in the respective jurisdictions. In 2017, the Government of the United Kingdom agreed to provide financial assistance to Anguilla to help it establish its beneficial ownership system, as well as assistance in drafting underpinning legislation.

21. In August 2013, two commercial banks in Anguilla, the National Bank of Anguilla and the Caribbean Commercial Bank, were placed under the conservatorship of the Eastern Caribbean Central Bank. In 2015, the territorial Government decided to progress the banking resolution plan proposed by the Eastern Caribbean Central Bank. In April 2016, the Governor assented to a series of related legislation (the Banking Act, 2015; the Eastern Caribbean Asset Management Corporation (Amendment) Act, 2016; and the Bank Resolution Obligations Act, 2016) and the two banks were merged to form the National Commercial Bank of Anguilla. According to the territorial Government, the intervention by the Government of Anguilla in that banking resolution amounted to EC$ 325.4 million.

22. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 29 November 2017, the overseas territories and the United Kingdom welcomed the progress made by the overseas territories with financial centres to implement the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council committed itself to reviewing the effectiveness of the arrangements six months prior to their operation. It welcomed the cooperation of the overseas territories in international efforts to promote tax transparency and tackle financial crime and the constructive engagement of the overseas territories with the Code of Conduct Group (Business Taxation) of the European Union and at the first meeting of the Global Forum on Asset Recovery. The Joint Ministerial Council reiterated its commitment to show leadership in tackling corruption and committed itself to prioritizing further work to enable the timely extension to the territories of the application of the United Nations Convention against Corruption, in particular where territories have requested such an extension, and to set a clear path for that process, building on the meeting held during the seventh session of the Conference of the States Parties to the Convention, held in Vienna from 6 to 10 November 2017.

D. Agriculture and fisheries

23. While agricultural activity in Anguilla is limited, in the 2017 budget address, it was stated that in 2017, the Department of Agriculture would commence implementation of the national strategic plan for agriculture, which was finalized in 2016, to encourage local food production and provide support to egg producers.

24. Fishing is significant to the livelihoods of many Anguillans, generating direct revenue for more than 200 people, with many more fishing on a subsistence basis. The contribution of fisheries to the Territory's GDP in 2012 was estimated at 2.26 per

cent. As previously reported, Anguilla is using less than one quarter of its exclusive fishing zone to the north of the island.

25. Since 2013, the administering Power has been discussing the possibility of assisting the territorial Government in investigating whether commercial fisheries might be established in the Territory. According to the administering Power, the Anguilla Fisheries Development Plan, adopted by the Executive Council in April 2016, outlines the work needed to ensure the optimal and sustainable exploitation of Anguilla's fisheries resources. In the 2017 budget address, the territorial Government stated that the focus would be on investing in the fishing industry through the implementation of special partnership agreements for foreign industrial fishing, and that such a development could double the contribution of fishing to the GDP of the Territory.

E. Infrastructure

26. According to the Government of Anguilla, the Territory has approximately 100 km of paved roads and 60 km of unpaved roads. Some of the paved roads are over 25 years old and have not been sufficiently maintained.

27. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft. There are flights to and from the international airports of Antigua, Sint Maarten/Saint Martin, Puerto Rico and Saint Thomas. In addition, the ferry and charter boat service between Anguilla and Sint Maarten/Saint Martin is the main international transportation link between Anguilla and the major international gateways.

28. Hurricane Irma, which hit Anguilla in September 2017, caused significant damage to infrastructure. According to the administering Power, following assessments and the provision of initial support, the Government of the United Kingdom in December 2017 offered a grant of EC$ 213.6 million to rebuild critical infrastructure.

F. Transportation and communications

29. According to the 2017 budget address of the territorial Government, estimates of recurrent revenue, expenditure and capital in 2015 accounted for 10.3 per cent of total economic activity in Anguilla, contributing EC$ 75.93 million that year. Positive growth of 4.5 per cent was realized in that sector owing mainly to 7 per cent real expansion in the large road transport subsector and 0.9 per cent expansion in the communications subsector.

30. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

IV. Social conditions

A. General

31. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. The Department of Social Development offers basic social services to the public. According to the report entitled "Situation Analysis of Children in Anguilla", published in 2016 by the United Nations Children's Fund (UNICEF) Office for the East Caribbean Area in partnership with the territorial Government, there is no consolidated social policy scheme in place to deal with vulnerable groups and strategically address the causes and consequences of poverty. Instead, the Government provides temporary relief to vulnerable groups in the form of public assistance grants.

32. According to the administering Power, as at December 2017 113 persons deemed to be needy or vulnerable were receiving monthly financial contributions of public assistance from the territorial Government, amounting to a sum of EC$ 608,700, excluding assistance with other services, such as funeral grants, goods vouchers and educational assistance. Medical assistance continued to occupy a large portion of the budget of the Department of Social Development, occasioned by the high cost of medical services, limited accessibility and affordability. At the time of reporting, a total of ECS$ 3,180,373 had been contributed to medical services for 284 needy and vulnerable persons, not including assistance for the medical treatment overseas programme handled by the Ministry of Social Development.

33. The Ministry of Social Development continues to sensitize stakeholders to the importance of adhering to the Inter-Agency Child Protection Protocol, developed in collaboration with UNICEF, to ensure that all agencies responsible for safeguarding children work collectively to respond to child abuse and neglect.

34. The implementation of the Inter-Agency Child Protection Protocol continued to be monitored in monthly review meetings with the key agencies. A Child Protection Board was formed in 2016, which was further evidence of the continued emphasis being placed on protecting children from abuse. With the passage of Hurricane Irma, additional training sessions were held to expand the cadre of persons equipped to work with vulnerable children and strengthen the capacity of the islands to assist children in dealing with the trauma of disasters. UNICEF, in partnership with the Departments of Disaster Preparedness and Education, played a leading role in that regard, rolling out the "return to happiness" programme to help all of the primary schools in the Territory. The Open Campus of the University of the West Indies in the Territory also contributed to this capacity-building with a week-long psychosocial training for professionals and other interested persons who work with children and adults.

35. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the leaders of overseas territories reaffirmed their commitment to ensuring the highest possible standards for the protection of children and the promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed progress made in promoting inter-agency cooperation in the territories and the development of national response plans to define policy priorities. In addition, they welcomed progress made under a memorandum of understanding to promote more effective collaboration between the overseas territories for the safeguarding of children.

B. Education

36. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting, in 2014/15, approximately 2,790 pupils enrolled in eight primary schools (including two private schools) and one secondary school with two campuses. In addition, 460 students 3 and 4 years of age were enrolled in 11 preschool centres that year. According to the Pan American Health Organization, functional literacy in Anguilla is 93 per cent, and net enrolment in primary school is universal, with 100 per cent completing the last grade. The Department of Education provides continuing professional development for all teachers, with an emphasis on supporting new teachers.

37. Anguilla Community College offers associate degrees and a postgraduate diploma, among others. The Open Campus of the University of the West Indies offers fully accredited tertiary education in Anguilla. In addition, according to the administering Power, a private medical school based in the United States of America has a campus in the Territory offering the basic sciences to its students, who are mostly from the United States.

38. Students from overseas territories benefit from the home student rate for school fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education.

C. Public health

39. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the 32-bed Princess Alexandra Hospital. Patients requiring major surgery are usually evacuated to a neighbouring island.

40. The Ministry of Health and Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions, operating within the framework of the national health strategic plan 2015–2020.

41. At its sixth meeting, the Overseas Territories Joint Ministerial Council welcomed the fact that the Department of Health of the United Kingdom had continued its support for and commitment, in partnership with the territories and Public Health England, to raising awareness of international health regulations and to developing the relevant capacity to respond to major public health incidents, including outbreaks. The United Kingdom and the overseas territories discussed the importance of raising awareness of and building capacity and expertise in the territories for tackling non-communicable diseases, such as obesity and mental health problems, and the impact of those challenges on the populations of the territories. They committed themselves to working together on those important issues so as to share best practices and resources on preventive approaches and the ways in which they could be adapted to respond to local needs.

D. Crime and public safety

42. According to information provided by the administering Power, Anguilla has a low crime rate compared with other jurisdictions in the region.

43. The Money-Laundering Reporting Authority is the central body responsible for the receipt, analysis and dissemination of information pertaining to proceeds suspected to be derived from criminal activities, and it provides strategic oversight of the financial intelligence function. The Anguilla Financial Intelligence Unit, a dedicated specialist unit within the Royal Anguilla Police Force, is delegated by the Authority the task of performing day-to-day operational functions with respect to a wide variety of investigations of financial crime, including money-laundering.

44. In 2017, the United Kingdom continued to provide funding for a law enforcement adviser based in Miami, United States, who coordinated, managed and facilitated training and the provision of strategic advice in order to introduce new techniques and skills to the Territory's law enforcement agencies. Furthermore, RFA *Mounts Bay* has been stationed in the Caribbean since January 2017 as part of the North Atlantic patrol of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom and providing humanitarian assistance, disaster relief and crisis communications support in the region. The ship also worked with other regional navies and coast guards to combat illegal activities on the high seas. RFA *Mounts Bay* and HMS *Ocean* provided vital humanitarian relief to the region, in particular the three Territories — Anguilla, the British Virgin Islands and the Turks and Caicos Islands — affected by Hurricane Irma and Hurricane Maria in September.

E. Human rights

45. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The provisions of the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. However, other fundamental human rights treaties have yet to be extended to Anguilla, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

46. At the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the leaders of the overseas territories discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories. In the communiqué adopted at that meeting, they welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed progress made in promoting inter-agency cooperation

in the territories and the development of national response plans to define policy priorities, noted the particular challenges for those territories affected by the recent hurricanes and agreed that children's welfare should remain a central priority for recovery plans, including through the reconstruction of schools. In addition, they welcomed progress made under a memorandum of understanding to promote more effective collaboration between the overseas territories for the safeguarding of children.

V. Environment

47. The Department of the Environment, the Agriculture Department, the Fisheries and Marine Resources Department, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues. At the time of writing, the Executive Council was examining the proposed merger of the Environment, Agriculture, and Fisheries and Marine Resources Departments.

48. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories recognized that the destruction wrought by Hurricane Irma and Hurricane Maria had served as a reminder of the vulnerability of the overseas territories to climate change–related events and the devastating effect that they could have on the lives and livelihoods of those who lived there. They committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change to ensure that the views and priorities of the overseas territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom, highlighting the value of their presence in helping to amplify the shared message of the need for a high degree of ambition on climate change–related targets. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of extending the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half of 2018. The importance of work in the territories on climate change adaptation and mitigation and collaboration between the territories to share best practices on environmental management and climate change issues, including through the annual meetings of ministers of the environment of the territories, was emphasized.

VI. Relations with international organizations and partners

49. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

50. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

51. Anguilla is an associate member of the Organization of Eastern Caribbean States and a member of the Eastern Caribbean Central Bank.

52. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. The eleventh European Development Fund (2014–2020) allocated €14 million (approximately EC$ 42.9 million) for the territorial programme of Anguilla. According to the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories continued their dialogue on the implications for the latter of the decision by the United Kingdom to leave the European Union (known as "Brexit"). In addition, it was indicated that a clear objective of the exit negotiations was to achieve an agreement that worked for all parts of the United Kingdom family, and the United Kingdom affirmed that it would seek to ensure that the security and economic sustainability of the overseas territories was preserved and, where possible, strengthened post-"Brexit".

53. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

54. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

55. At the 8th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 9 October 2017, during the seventy-second session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. He said that the territories were an integral part of global Britain and the United Kingdom's commitment to its territories' security and prosperity remained strong, as demonstrated by the swift and comprehensive response to the devastation wreaked in some territories by Hurricane Irma and the ongoing recovery efforts.

56. The representative of the United Kingdom went on to say that the Joint Ministerial Council was the primary forum for high-level political dialogue between the United Kingdom and the overseas territories. As the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar. The United Kingdom–Overseas Territories Joint Ministerial Council on European Union Negotiations had been established to discuss the priorities of the territories and determine further areas for collective engagement. He added that the fundamental responsibility of the Government of the United Kingdom, under international law and the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples.

57. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring the ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories. The Government of the United Kingdom and the leaders of the overseas territories agreed that the fundamental structure of their constitutional relationships had been the right one--powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need to continue their engagement on those issues to ensure that constitutional arrangements worked and were developed effectively to promote the best interests of the territories and of the United Kingdom.

VIII. Action taken by the General Assembly

58. On 7 December 2017, the General Assembly adopted, without a vote, resolution 72/97 on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 (A/72/23) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Anguilla to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of Anguilla, there was no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of Anguilla to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed the preparations made for a new constitution, and urged that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

(e) Requested the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

(f) Stressed the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, called upon the administering Power to facilitate such a mission, if the territorial Government so desired, and requested the Chair of the Special Committee to take all the necessary steps to that end;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Called upon the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

(i) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(j) Encouraged the Territory to continue to participate in the activities of the Special Committee, including regional seminars;

(k) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Anguilla and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Anguilla and the administering Power;

(l) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Anguilla, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(m) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(n) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

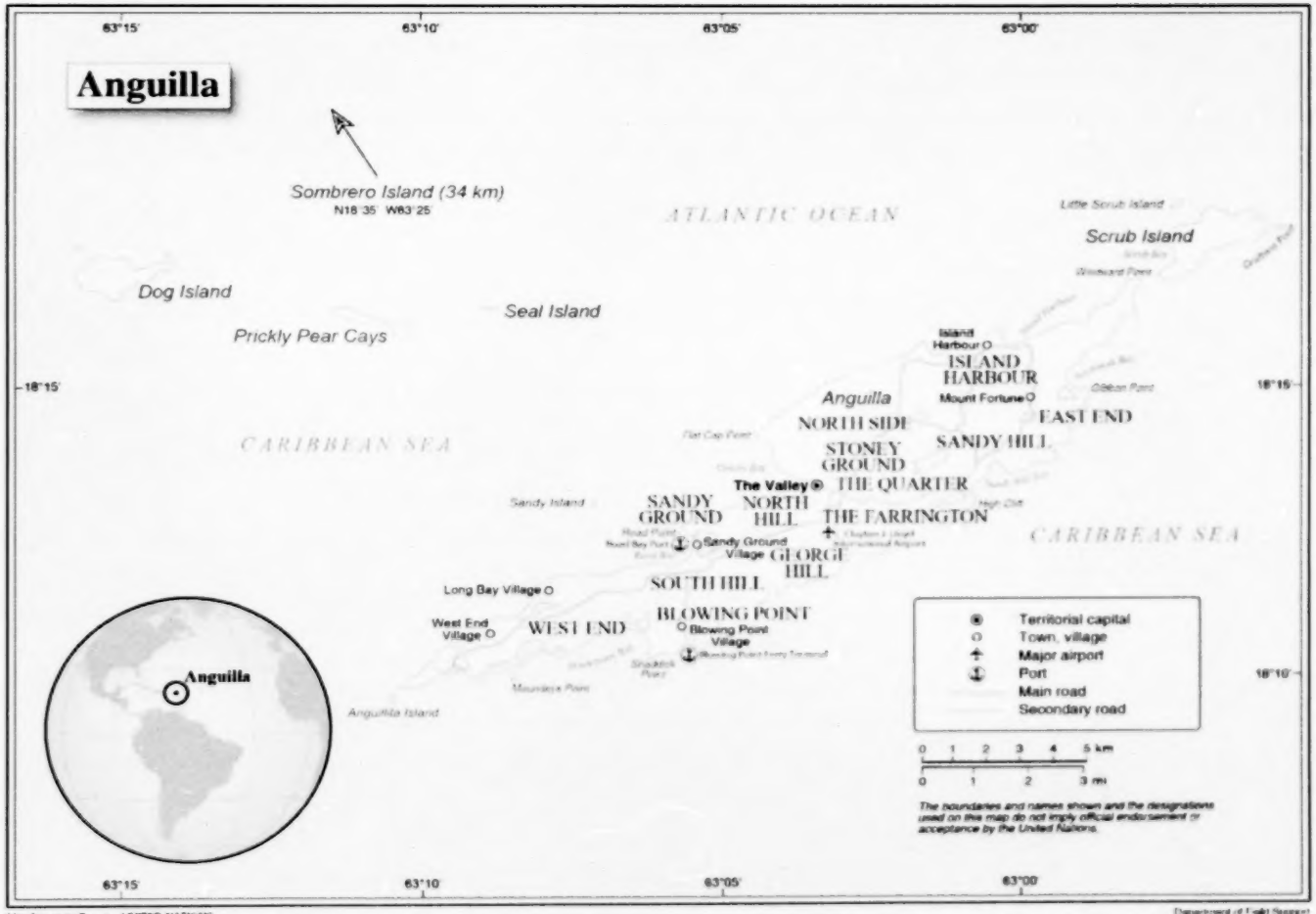
(o) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor

environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(p) Requested the Special Committee to continue to examine the question of Anguilla and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.

Annex

Map of Anguilla



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Bermuda

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 15 December 2017. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Bermuda is a Non-Self-Governing Territory, as defined under the Charter of the United Nations, administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor John Rankin (December 2016)

Geography: Bermuda is located in the western part of the Atlantic Ocean, approximately 917 km east of the North Carolina coast of the United States of America. It consists of 8 major and 130 smaller islands.

Land area: 53.35 km²

Exclusive economic zone: 450,370 km²

Population: 61,658 (2017 projection)

Life expectancy at birth: 81.5 years (men: 77.7 years; women: 85.1 years (2017 projection))

Ethnic composition: Approximately 54 per cent black, 31 per cent white and 15 per cent mixed and other races (2010)

Language: English

Capital: Hamilton

Head of territorial Government: Premier David Burt

Main political parties: Progressive Labour Party; One Bermuda Alliance

Elections: Most recent: 18 July 2017; next: due to be held by July 2022

Legislature: Bicameral legislature, comprising an 11-member Senate appointed by the Governor (3 at his or her discretion, 5 on the advice of the Premier, 3 on the advice of the leader of the Opposition) and the 36-member House of Assembly, elected in 36 constituencies for up to a five-year term.

Gross domestic product per capita: $99,316 (2016)

Economy: Financial services, tourism

Main trading partners: United States, Canada, United Kingdom and States members of the Caribbean Community

Unemployment rate: 7 per cent (2017)

Monetary unit: Bermuda dollar, pegged at parity with the United States dollar

Brief history: Bermuda was discovered in 1505 by the Spanish explorer Juan de Bermudez, and by 1510, it was referred to as "La Bermuda". It remained uninhabited until 1609, when British settlers on their way to Virginia were shipwrecked on one of its reefs. In 1612, King James I extended the charter of the Virginia Company to include Bermuda. After the Company's charter was annulled in 1684, government passed to the British Crown.

I. Constitutional, legal and political issues

1. The 1968 Constitution of Bermuda has been amended on five occasions, with the most recent revision being in 2003. According to the administering Power, the Constitution gives the Territory almost full internal self-government, leaving the United Kingdom of Great Britain and Northern Ireland with a minimum number of constitutional controls. The Governor (and Commander-in-Chief), appointed by the British Crown, is responsible for defence, external affairs, internal security and the police.

2. The Territory has a parliamentary system of government, comprising a governor, a deputy governor, a cabinet and a bicameral legislature. The Governor appoints as Premier the member of the House of Assembly who appears to be best able to command the confidence of a majority of the 36 members of the House, each of whom represents a parliamentary constituency. The Premier heads a cabinet that consists of the Premier and not less than six other Ministers.

3. The law and legal system of Bermuda are based on the application of English common law and the principles of equity, the legislation of the United Kingdom (in force since 1612) that has been extended to Bermuda and acts of the Bermuda Parliament. The judiciary is appointed on the advice of the Chief Justice. There are three courts: the Magistrates' Court, the Supreme Court and the Court of Appeal. The British Overseas Territories Act 2002 provides for the conferral of British citizenship on citizens of British overseas territories.

4. Voters in the general elections or referendums must be 18 years of age and Bermudian by birth or status or non-Bermudian electors on the register as at 1 May 1976. The general elections were held in the Territory to elect 36 members to the House of Assembly on 18 July 2017, and the Progressive Labour Party won 24 seats. David Burt of the Progressive Labour Party took office as Premier the next day, succeeding Michael Dunkley of One Bermuda Alliance, who had been the Premier since 20 May 2014. At the age of 38, Mr. Burt became the youngest Premier of Bermuda.

5. In 1995, a referendum was held on the question of independence. Of the 58.8 per cent of eligible voters who participated, a small number by Bermudian standards according to the administering Power, 73.6 per cent voted against independence. The then-opposition party, the Progressive Labour Party, had organized a boycott of the referendum among supporters of independence, arguing that the issue should be resolved by general election.

6. In its 2005 report, the Bermuda Independence Commission noted that the racial question had been an ever-present feature of the social, economic and political landscape of Bermuda throughout its history. Racial divisions in Bermuda have, in significant measure, played out in support for, or in opposition to, independence and the method to be used to ascertain the wishes of the population. The Progressive Labour Party, which was the ruling party in 2005, wanted the issue of independence to be settled in the context of an election. The Progressive Labour Party reportedly remains publicly committed to pursuing a policy of disengagement from the United Kingdom. On the other hand, the United Bermuda Party, a forerunner of One Bermuda Alliance, favoured a referendum. The Commission concluded that it was incumbent upon both political parties to share the merits of each method.

7. In an interview on 14 September 2017, the Premier stated that, while the achievement of independence was in the constitution of his party, the territorial

Government was not committed to pursuing independence at that moment, as it was committed to growing the economy and addressing the immediate challenges inside the Territory.

II. Budget

8. The fiscal year of the Territory begins in April. According to the 2018/19 budget statement of the territorial Government, delivered on 16 February 2018, for that fiscal year, the revenue is estimated at $1.09 billion and the overall expenditure at $1.18 billion. Furthermore, in the 2017/18 budget year, the territorial Government is forecasted to earn $1.04 billion in revenue ($1.9 million more than the original estimate), with projected government operating expenses of $921.5 million, revised capital expenditure of $60.4 million and debt service costs of $4.5 million, all of which are lower than the original estimates. The revised estimate of the overall deficit is $119.2 million, which is $62.8 million less than the actual 2016/17 deficit, a decrease of 35 per cent.

III. Economic conditions

A. General

9. The economy of Bermuda is based primarily on the provision of financial services for international businesses and on tourism. According to the administering Power, the industrial sector is small and agriculture is limited, since only about 20 per cent of the land is arable.

10. According to the publication by the Ministry of Finance entitled "National economic report of Bermuda, 2017", issued in February 2018, in 2016, the economy of the Territory grew by 3.4 per cent in current market prices from 2015, marking the fourth consecutive year of growth in nominal terms after four years of decline. Nominal gross domestic product (GDP) was approximately $6.13 billion, reflecting an increase of $204.3 million from the 2015 revised figure of roughly $5.9 billion. As a result, GDP per capita rose to $99,316 in 2016, from $95,943 in 2015. When adjusted for inflation, however, real GDP in 2016 declined by 0.1 per cent. In 2016, of the 15 industries in Bermuda, all but 2 (manufacturing and public administration) recorded growth in value added. According to the administering Power, the highest growth rate, of 14 per cent (an increase from $126.4 million to $144.2 million), was marked in the industry of community, social and personal services, as a result of recreational, cultural and sporting activities related to the hosting of the thirty-fifth America's Cup in 2017.

11. According to the administering Power, the territorial Government is continuing its two-track strategy to improve the economy while simultaneously reigning in government expenditure and public debt.

B. Financial services

12. According to the administering Power, Bermuda is one of the world's leading international financial and business centres; the sector accounts for about 27 per cent of its GDP. Bermuda is also one of the major jurisdictions worldwide in the fields of large-scale insurance and reinsurance.

13. The Bermuda Monetary Authority, the integrated regulator of the financial services sector, has the power to levy civil fines. The Territory has no central bank. The peg to the United States dollar is managed by commercial banks meeting supply and demand at a one-to-one rate. The banks, rather than the Authority, own the foreign exchange reserves of Bermuda.

14. According to information provided by the administering Power, in the first six months of 2017, 362 new international companies and partnerships were registered in Bermuda, representing a 9.3 per cent decrease from the 399 registered in 2016. In addition, Bermuda registered a total of 23 new insurers and no new intermediaries during the same period in 2017.

15. According to the administering Power, Bermuda has never been a jurisdiction with bank secrecy laws and has maintained a private beneficial ownership register since the 1940s. The existing register contains the details of the ultimate owners of the private corporate entities operating in Bermuda. It is a central register held by a public authority and, as ownership changes over time, it is updated using an active automatic system. Under the regulatory legislation, there are provisions for financial institutions regarding controlling shareholders that require the approval of such persons by the Bermuda Monetary Authority.

16. For more than 70 years, Bermuda has required persons wishing to incorporate a company there to provide information on the ultimate beneficial owner. Currently, such persons are vetted by the Authority (subject to a 10 per cent controller threshold). Transfers of shares to non-Bermudians are also subject to vetting by the Authority. The Authority retains all of the information on the ultimate beneficial owner, which is provided to the Authority as part of the vetting process.

17. The Government exchanges the information with the competent authorities of the United Kingdom and of the United States of America, with which it has entered into international agreements. In April 2016, Bermuda concluded a bilateral arrangement with the United Kingdom on the reciprocal exchange of beneficial ownership information to allow law enforcement authorities to have timely access to beneficial ownership information on corporate and legal entities incorporated in the respective jurisdictions.

18. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 29 November 2017, the overseas territories and the United Kingdom welcomed the progress made by the overseas territories with financial centres in implementing the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council committed itself to reviewing the effectiveness of the arrangements six months prior to their implementation deadline. It welcomed the cooperation of the overseas territories in international efforts to promote tax transparency and tackle financial crime and the constructive engagement of the overseas territories with the Code of Conduct Group (Business Taxation) of the European Union and at the first meeting of the Global Forum on Asset Recovery. The Joint Ministerial Council reiterated its commitment to showing leadership in tackling corruption and committed itself to prioritizing further work to enable the timely extension to the territories of the application of the United Nations Convention against Corruption, in particular when territories have requested such an extension, and to set a clear path for that process, building on the meeting held during the seventh session of the Conference of the States Parties to the Convention, held in Vienna from 6 to 10 November 2017.

19. In September 2013, Bermuda joined the Multilateral Convention on Mutual Administrative Assistance in Tax Matters of the Organization for Economic Cooperation and Development (OECD) to facilitate cooperation between jurisdictions in the assessment and collection of taxes, in particular to combat tax avoidance and evasion. The Convention came into force on 1 March 2014. According to the information provided by the administering Power, at the end of 2016, Bermuda had 106 tax information exchange multilateral agreement partners through its participation in the Convention with the Group of 20 countries, members of OECD and all States members of the European Union and other countries.

C. Tourism

20. Government statistics indicated that, in 2016, 646,465 travellers visited Bermuda (up from 600,316 in 2015), spending a total of $358.4 million (up from $304.3 million in 2015). Tourism accounted for $228 million, or 22.8 per cent, of the total government revenue in 2016. According to the administering Power, tourism directly accounted for 4.7 per cent of GDP. During the same year, 7.8 per cent of the workforce of the Territory was directly or indirectly employed in tourism, generating 2,611 jobs, an increase from 2,510 in 2015. With regard to visitors, in 2016, there were 397,904 cruise passengers (up from 377,522 in 2015) and 244,491 air visitors (up from 219,814 in 2015).

21. The official statistics of the territorial Government indicated that, by the third quarter of 2017, approximately 565,000 visitors had come to Bermuda, including approximately 350,600 cruise passengers.

22. According to the administering Power, the budget allocated to the Ministry of Tourism, Transport and Municipalities for 2017/18 was $39.5 million, of which $25 million was granted to the Bermuda Tourism Authority. In addition, the hotel and restaurant sector contributed 4.3 per cent of GDP in constant market prices in 2016, compared with 4.1 per cent in 2015.

D. Construction

23. In 2016, the construction and quarrying sector grew by 10.7 per cent from the previous year, to $211.0 million. Value added by that sector rose by 8.3 per cent in 2016, which was attributed primarily to the continued construction activities associated with the thirty-fifth America's Cup and renovation work at one of the largest hotels in the Territory. According to the administering Power, 35 per cent of the work performed was on residential properties, of which 68 per cent was undertaken by the private sector and 32 per cent by the public sector. Several hotel developments were ongoing and the new airport terminal broke ground in 2017.

E. Transport and communications

24. With a network of some 200 km of paved public roads and 400 km of private roads, Bermuda has a high road traffic density, with approximately 79 vehicles per km in 2016. Restrictions on car ownership to one per household, coupled with a policy of allowing no rental cars, have resulted in the development of a public transportation system of buses and ferries. According to the administering Power, Bermuda is in the process of amending its legislation (Motor Car Act 1951) to allow the rental of mini

cars for the first time. In 2016, a total of 47,387 road vehicles were registered, an increase for the second year in a row; 2015 had marked the first increase in six years.

25. Regular commercial flights connect Bermuda to a number of destinations in the United States, Canada and the United Kingdom. Bermuda has its own air and ship regulatory agencies, with registries maintained by the Civil Aviation Authority and the Bermuda Shipping and Maritime Authority.

26. According to the report entitled "State of information and communications technology in Bermuda 2016", published by the territorial Government, in 2016, 83 per cent of households owned landline phones (compared with 87 per cent in 2014/15), mobile telephone ownership was at 89 per cent (up from 86 per cent in 2014/15), and 92 per cent of households and 100 per cent of businesses had access to the Internet.

IV. Social conditions

A. General

27. According to the 2018/19 budget statement, the Ministry of Education and Workforce Development is to be allocated a budget of $140.5 million, equivalent to 11.9 per cent of the total government expenditure estimated for 2018/19 and an increase of $5.8 million, in order to cover expenditure for additional workforce training and the development and enhancement of educational programmes.

B. Labour

28. Preliminary data from the 2017 employment survey by the territorial Government indicate that the total number of jobs in Bermuda increased slightly, from 33,481 in 2016 to 33,521 in 2017, while the number of jobs peaked in 2008, at 40,213. With regard to the employment data in 2016, according to the administering Power, the number of Bermudian job holders increased by 0.4 per cent, from 23,494 in 2016 to 23,578 in 2017. The official unemployment rate has remained at 7 per cent since 2015.

29. According to the administering Power, the Department of Workforce Development of the Ministry of Education and Workforce Development plans to launch a national strategic workforce development plan in 2018, which will replace part 2 of the national training plan that was originally developed to devise strategies to improve the economy and generate new jobs.

30. The Bermuda Job Board, an online national employment database operated by the Department of Workforce Development since November 2013, is available to Bermudians who are seeking employment, with the main objective of consolidating and centralizing the jobs available in Bermuda so as to help to connect workers and employers, allow more opportunities for qualified Bermudians to find employment and ultimately reduce the need for work permit applications. According to the administering Power, as at 1 December 2017, 1,816 employers and 11,540 candidates were registered on the Job Board.

31. The Law Reform Committee, established by the Minister of Home Affairs and tasked to review, update and improve the legislative framework for labour, continued

its work on the consolidation of labour laws. According to the administering Power, draft legislation is expected to be presented during the 2018 legislative session.

C. Education

32. The 2018/19 budget statement indicated that, for that fiscal year, about $114 million was provided to the Department of Education to support its overall objective of providing strategic leadership, supervision and policy direction for the delivery of a high-quality educational curriculum.

33. Education in Bermuda is compulsory, and it is free in public schools for all children from 5 to 18 years of age. There are 10 preschools, 18 primary schools, 5 middle schools, 1 special-needs school and 2 senior secondary schools in the public school system, which, according to the administering Power, had a student population of 4,945 in September 2017. There are a number of private schools, including six offering early primary education, serving some 40 per cent of the pupils of compulsory school age. Those institutions receive no government funding. The total school enrolment in 2017, which included public and private schools and Bermuda College, was 9,318.

34. Students from overseas territories benefit from the home student rate for school fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education.

D. Public health

35. According to the 2018/19 budget statement, the budget allocated to the Ministry of Health was $190 million (16.1 per cent of the total estimated government expenditure), an increase from its budget for 2017/18 of $162.7 million representing 14.6 per cent of the total government expenditure, according to the information provided by the administering Power. In addition to regulation, the Ministry provides policy direction for the health sector. It also provides public health services, services for older persons and persons with disabilities, an acute care hospital, a psychiatric hospital, affordable health insurance plans and regulatory bodies for health professionals and health insurance. The Territory has a hybrid health financing system consisting of direct public funding and social health insurance, supported by government subsidies.

36. Bermuda has an ageing population and a low fertility rate. According to the statistics provided by the administering Power, 18 per cent of the population was expected to be 65 years or older in 2017, compared with 12 per cent in 2007. In 2016, the total fertility rate was 1.5 births per woman, which is below the replacement level of 2.1 births per woman. According to the administering Power, in 2017, life expectancy at birth was projected at 81.5 years, with men at 77.7 years and women at 85.1 years. Life expectancy is reported as being four years greater for the white population than for the remainder of the population.

E. Crime and public safety

37. The Ministry of National Security holds administrative responsibility for the Royal Bermuda Regiment, the Bermuda Police Service, the Bermuda Fire and Rescue Service, Border Control and the Department for National Drug Control. The Ministry works to ensure that the agencies and departments under its authority work in tandem to promote all aspects of safety in Bermuda.

38. The Bermuda Police Service remains committed to ensuring public safety through strong enforcement, community engagement and rigorous investigations leading to convictions. The Service continues to focus on five operational policing priorities, namely to: (a) enhance public confidence; (b) provide highly visible front-line policing; (c) respond quickly to emergencies; (d) conduct timely, quality-focused investigations; and (e) protect vulnerable people. The inter-agency gang task force continues to provide programmes aimed at intercepting and curbing gang-related crime.

39. In 2017, the United Kingdom continued to provide funding for a law enforcement adviser based in Miami, United States, who coordinated, managed and facilitated training and the provision of strategic advice in order to introduce new techniques and skills to the Territory's law enforcement agencies. Furthermore, RFA *Mounts Bay* has been stationed in the Caribbean since January 2017, as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom and providing humanitarian assistance, disaster relief and crisis communications support in the region. The ship also worked with other regional navies and coast guards to combat illegal activities on the high seas. RFA *Mounts Bay* and HMS *Ocean* provided vital humanitarian relief to the region, in particular to the three Territories — Anguilla, the British Virgin Islands and the Turks and Caicos Islands — affected by Hurricane Irma and Hurricane Maria, in September.

F. Human rights and related issues

40. Core international and European human rights instruments are applied in Bermuda, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. According to the administering Power, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the United Kingdom was formally extended to Bermuda in March 2017, with two reservations relating to articles 1 and 15 (4) of the Convention. The territorial Government indicated in February 2017 that the first reservation was to preserve the position whereby Bermuda could continue to conscript only male recruits to the Royal Bermuda Regiment and that religious organizations would not be compelled to have women priests. The second reservation took account of the constitutional and immigration provisions that had the effect of discriminating against a Bermudian woman married to a non-Bermudian man, owing to the lesser rights granted to a non-Bermudian man married to a Bermudian woman compared with a non-Bermudian woman married to a Bermudian man.

41. The Human Rights Commission of Bermuda was established in 1982 to administer the 1981 Human Rights Act. According to the territorial Government, the

three main aspects of the work of the Commission pertain to providing effective and timely means for resolving individual complaints involving human rights, sexual harassment and disability, promoting knowledge of human rights in Bermuda and encouraging people to follow principles of equality, and helping to reduce barriers to equality in employment and access to services.

42. At the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the leaders of the overseas territories discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories. In the communiqué adopted at that meeting, they welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed progress made in promoting inter-agency cooperation in the territories and the development of national response plans to define policy priorities, noted the particular challenges for those territories affected by the recent hurricanes and agreed that children's welfare should remain a central priority for recovery plans, including through the reconstruction of schools. In addition, they welcomed progress made under a memorandum of understanding to promote more effective collaboration between the overseas territories for the safeguarding of children.

V. Environment

43. According to the administering Power, the Ministry of the Environment was disbanded in July 2017 and its functions were spread across the Department of Parks of the Ministry of Public Works and the Departments of Planning and of Environment and Natural Resources of the Ministry of Home Affairs. There has been no reduction of funding or resources as a result of the redeployment. The Department of Environment and Natural Resources was made responsible for supporting the local agriculture and fishing industries, marine heritage, pollution control, water rights management, the management of terrestrial nature reserves, the conservation of endangered species, domestic animal control, the control of invasive pests and the operation of the Bermuda Aquarium, Museum and Zoo.

44. According to the administering Power, the Ministry of Home Affairs has prioritized the advancement and expansion of the Sargasso Sea Commission, established pursuant to the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea, to better manage the wider Sargasso Sea, which is recognized in the Declaration as an important open ocean ecosystem. The Minister of Environment of Bermuda chaired the third joint meeting of the Commission and the signatories to the Hamilton Declaration, held in Azores, Portugal, on 18 and 19 April 2017.

45. Bermuda continues its efforts to ensure the sustainable management of its fisheries and improve its food security. According to the administering Power, observations by fishermen and government officials indicated that fish were aggregating to spawn earlier in the year, likely owing to increased water temperatures. Furthermore, a national crop strategy was completed to guide the island's efforts to increase local food production.

46. About 98 per cent of the electric power in the Territory is provided by a single private entity, which relies exclusively on fossil fuels to generate electricity. The remaining 2 per cent of electric power is provided by the Tynes Bay waste-to-energy plant, which is owned and operated by the Ministry of Public Works.

47. According to the administering Power, the amendments made in December 2017 to the Bermuda National Parks Act 1986 created 16 new protected areas (90 acres) of the national parks system. With the reclassification of seven existing parks as nature reserves, the total number of areas protected under the national park system stood at 112 (total area of 1,129 acres).

48. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories recognized that the destruction wrought by Hurricane Irma and Hurricane Maria had served as a reminder of the vulnerability of the overseas territories to climate change-related events and the devastating effect that they could have on the lives and livelihoods of those who lived there. They committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change to ensure that the views and priorities of the overseas territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom, highlighting the value of their presence in helping to amplify the shared message of the need for a high degree of ambition on climate change-related targets. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of extending the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half of 2018. The importance of work in the territories on climate change adaptation and mitigation and collaboration between the territories to share best practices on environmental management and climate change issues, including through the annual meetings of ministers of the environment of the territories, was emphasized.

VI. Military issues

49. Bermuda maintains a defence regiment of some 420 soldiers, namely the Royal Bermuda Regiment, which includes a long-term "nucleus" of about 140 soldiers and 30 full-time soldiers, in addition to part-time members. In 2015, the Defence Act was amended to set out that the required number of members for the Regiment should be raised and maintained through voluntary enlistment and that if that was not met, the Governor might either revise the roles and responsibilities of the Regiment to take account of the shortfall or authorize compulsory enlistment to make up the required numbers. While historically the ranks of the Regiment have been raised through conscription by ballot, from 2015 to 2016, the intake was completely volunteer-based, which made it possible for the Regiment to have an all-volunteer recruitment camp two years in a row.

50. The Regiment regularly cooperates with foreign Governments and militaries, including those of Canada, Jamaica and the United States, and assists in disaster relief operations in other territories administered by the United Kingdom.

51. In addition, according to the administering Power, the Royal Bermuda Regiment Boat Troop assists the Bermuda Police Service with inshore maritime patrolling and policing requirements. According to the administering Power, legislation is under preparation to establish a full-time marine boat troop, to be staffed by solders of the Regiment and to allow the Regiment to fully assume such a responsibility.

VII. Relations with international organizations and partners

52. Bermuda is an associate member of the Economic Commission for Latin America and the Caribbean, the Caribbean Community and the Caribbean Common Market, and a member of the Caribbean Financial Action Task Force, which was set up to combat money-laundering. The Financial Intelligence Agency of Bermuda is a member of the Egmont Group of Financial Intelligence Units, and the Bermuda Monetary Authority is a member of regional and international financial regulatory bodies, including the International Association of Insurance Supervisors, the International Organization of Securities Commissions and the Group of International Finance Centre Supervisors. Bermuda also plays a key role in the Global Forum on Transparency and Exchange of Information for Tax Purposes of OECD as a member of its peer review group. In addition, Bermuda participates in the Sea Turtle Conservancy, the Caribbean-United States Security Cooperation Dialogue, the International Trade Union Confederation, the International Criminal Police Organization and the International Olympic Committee.

53. As a Non-Self-Governing Territory of the United Kingdom, Bermuda is associated with the European Union but is not a part of it. According to the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories continued their dialogue on the implications for the latter of the decision by the United Kingdom to leave the European Union (known as "Brexit"). In addition, it was indicated that a clear objective of the exit negotiations was to achieve an agreement that worked for all parts of the United Kingdom family, and the United Kingdom affirmed that it would seek to ensure that the security and economic sustainability of the overseas territories was preserved and, where possible, strengthened post-"Brexit". Since January 2014, the Territory has been a partner under the 2013 Overseas Association Decision of the Council of the European Union, which was approved, inter alia, in an effort to move from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union worldwide.

VIII. Future status of the Territory

A. Position of the territorial Government

54. Information regarding developments on the future status of Bermuda is reflected in section I above.

B. Position of the administering Power

55. At the 8th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 9 October 2017, during the seventy-second session of the

General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. He said that the territories were an integral part of global Britain and the United Kingdom's commitment to its territories' security and prosperity remained strong, as demonstrated by the swift and comprehensive response to the devastation wreaked in some territories by Hurricane Irma, and the ongoing recovery efforts.

56. The representative of the United Kingdom went on to say that, the Joint Ministerial Council was the primary forum for high-level political dialogue between the United Kingdom and the overseas territories. As the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar. The United Kingdom-Overseas Territories Joint Ministerial Council on European Union negotiations had been established to discuss the priorities of the territories and determine further areas for collective engagement. He added that the fundamental responsibility of the Government of the United Kingdom, under international law and the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples.

57. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring the ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories. The Government of the United Kingdom and the leaders of the overseas territories agreed that the fundamental structure of their constitutional relationships had been the right one — powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need to continue their engagement on those issues to ensure that constitutional arrangements worked and were developed effectively to promote the best interests of the territories and of the United Kingdom.

IX. Action taken by the General Assembly

58. On 7 December 2017, the General Assembly adopted, without a vote, resolution 72/98, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 (A/72/23) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Bermuda to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of Bermuda, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of Bermuda to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Stressed the importance of the 2005 report of the Bermuda Independence Commission, which provided a thorough examination of the facts surrounding independence, and continued to regret that the plans for public meetings and the presentation of a Green Paper to the House of Assembly followed by a White Paper outlining the policy proposals for an independent Bermuda had so far not materialized;

(e) Underlined the need further to strengthen good governance, transparency and accountability in government for the benefit of the Territory;

(f) Welcomed the extension by the administering Power to Bermuda of the Convention on the Elimination of All Forms of Discrimination against Women in March 2017;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Welcomed the active participation of Bermuda in the work of the Economic Commission for Latin America and the Caribbean;

(i) Encouraged the Territory to continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars;

(j) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of Bermuda and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between Bermuda and the administering Power;

(k) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in Bermuda, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(l) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist

and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(m) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supported, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that were not aligned with the interest of the people of the Territory;

(n) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(o) Requested the Special Committee to continue to examine the question of Bermuda and to report thereon to the General Assembly at its seventy-third session and on the implementation of the present resolution.

Annex

Map of Bermuda